

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEFFERY R. BURNETT,

Plaintiff,

File No: 2:10-cv-361

v.

HON. ROBERT HOLMES BELL

SAULT STE. MARIE
POLICE DEPARTMENT, et al.,

Defendants.

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MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff's objection to Magistrate Judge Timothy P. Greeley's Report and Recommendation ("R&R"). (Dkt. No. 6, Objection; Dkt. No. 5, R&R.) The Court reviews *de novo* those portions of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. *Id.* However, "a general objection to a magistrate's report . . . does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious." *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). "A general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Parties are also advised that "personal aspersions, whether they be cast at opposing counsel or members of the judiciary, have no place in argument before [the Court] unless

they are strictly pertinent to a legal issue.” *Id.* at 509 n.2.

In his R&R, the Magistrate Judge recommends that this Court dismiss Plaintiff’s complaint for failure to allege any violation of federal law. (R&R at 5.) “Absent diversity of citizenship, the federal courts do not have subject matter jurisdiction over such claims.” (*Id.* (citing *City of Warren v. City of Detroit*, 495 F.3d 282, 286-87 (6th Cir. 2007)).)

Plaintiff does not contest the Magistrate Judge’s determination in his Objection. Rather, Plaintiff reiterates that the Court should recuse itself (Obj. ¶¶ 1-9), discusses alleged misdeeds of various federal judges and other persons unrelated to this matter, (Obj. ¶¶ 10-16, 31), states that previous dismissals in other cases based on defendants’ immunity were without merit (Obj. ¶ 7), complains of attorney fees and outcomes in previous unrelated matters (Obj. ¶¶ 20-30), and argues that he has standing under federal disability statutes (Obj. ¶ 34). None of these issues address the Magistrate Judge’s determination that Plaintiff has failed to allege a violation of any federal law. The Court agrees with the Magistrate Judge’s determination. Moreover, the Court has reviewed the R&R in its entirety and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s motion to disqualify is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s Objection (Dkt. No. 6) is **OVERRULED**.

IT IS FURTHER ORDERED that the Magistrate Judge’s January 31, 2011, R&R (Dkt. No. 5) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that this case is **DISMISSED**.

Dated: July 29, 2011

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE